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HOUSE BILL 395

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Manuel G. Herrera

AN ACT

RELATING TO JURY DUTY; ESTABLISHING SIXTY-FIVE AS THE AGE AT WHICH A PERSON MAY BE EXCUSED FROM JURY SERVICE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 38-5-11 NMSA 1978 (being Laws 1969, Chapter 222, Section 11, as amended) is amended to read:

"38-5-11. QUALIFYING JURY PANELS.--

A. The court shall empanel jurors in a random manner. The district judge or ~~[his]~~ the judge's designee or the magistrate or ~~[his]~~ the magistrate's designee shall preside over the empaneling of a petit jury panel. The district judge or ~~[his]~~ the judge's designee shall preside over the empaneling of the grand jury panel. Jurors who appear for service shall be questioned under oath as to their eligibility for jury service by the district judge or ~~[his]~~ the judge's designee or

underscored material = new
[bracketed material] = delete

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[bracketed material] = delete

1 the magistrate or [~~his~~] the magistrate's designee. Claims of
2 exemption, requests for excuse from service or postponement of
3 [~~services~~] service shall be ruled upon by the district judge or
4 [~~his~~] the judge's designee or the magistrate or [~~his~~] the
5 magistrate's designee.

6 B. A district judge or [~~his~~] the judge's designee
7 or a magistrate or [~~his~~] the magistrate's designee may excuse,
8 exclude or postpone the [~~services~~] service of any person called
9 as a juror on the basis of:

10 (1) physical or mental illness of the person
11 or within [~~his~~] the person's immediate family;

12 (2) a written request from the person's
13 employer for excuse on the ground that [~~his~~] the person's
14 services are essential; [~~or~~]

15 (3) the person's prior business, professional
16 or educational commitments [~~which~~] that conflict with jury
17 service, proven to the satisfaction of the district judge or
18 [~~his~~] the judge's designee or the magistrate or [~~his~~] the
19 magistrate's designee; or

20 (4) the person having attained sixty-five or
21 more years of age.

22 C. The district judge or [~~his~~] the judge's designee
23 or the magistrate or [~~his~~] the magistrate's designee shall
24 submit questionnaires to prospective jurors to obtain any
25 information that will aid the court in ruling on requests for

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1 exemption or excuse from service or postponement of service or
2 that will aid the court or parties in voir dire examination of
3 jurors or in determining a juror's qualifications to serve on a
4 particular petit jury panel, trial jury or grand jury. The
5 district judge or [~~his~~] the judge's designee or the magistrate
6 or [~~his~~] the magistrate's designee shall certify a numbered
7 list of the jury panel members' names when qualified. The
8 certified list of jurors and the questionnaires obtained from
9 jurors shall be made available for inspection and copying by
10 any party to any pending proceeding or [~~their~~] any party's
11 attorney or to any person having good cause for access to the
12 list and the questionnaires."

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